

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

NICHOLAS GRIFFIN

VS.

COCA-COLA SOUTHWEST BEVERAGES
LLC

CIVIL ACTION NO.: 5:21-CV-1150

DEMAND FOR JURY TRIAL

ORIGINAL NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT COURT:

COMES NOW Defendant **Coca-Cola Southwest Beverages LLC** and pursuant to 28 U.S.C. §1446(a) and §1441(b) files this Original Notice of Removal of the present cause from the 225th Judicial District Court of Bexar County, Texas, in which it is now pending, to the United States District Court for the Western District of Texas, San Antonio Division, and in support thereof would respectfully show the following:

1. Defendant **Coca-Cola Southwest Beverages LLC** is the sole Defendant, and Nicholas Griffin is the sole Plaintiff in a lawsuit commenced in the 225th Judicial District Court of Bexar County, Texas, Cause Number 2021CI20187.
2. Plaintiff's Original Petition was filed on September 22, 2021, in 225th Judicial District Court of Bexar County, Texas, bearing the style *Nicholas Griffin v. Coca-Cola Southwest Beverages LLC*, and the Cause Number 2021CI20187. A true and correct copy of all process and pleadings in the State cause, including the docket sheet, were attached to and made part of the Index of Exhibits contemporaneously filed.
3. Plaintiff served his Original Petition upon Defendant **Coca-Cola Southwest Beverages LLC** on October 20, 2021, through registered agent Corporation Service Company. An answer,

in the form of a general denial, was filed in the State court action on behalf of Defendant **Coca-Cola Southwest Beverages LLC**.

4. Defendant **Coca-Cola Southwest Beverages LLC** is a Delaware limited liability company organized and existing under the laws of the State of Delaware.

5. The sole member of **Coca-Cola Southwest Beverages LLC** is AC Bebidas, S. de R.L. de C.V., a Mexican business company with its principal place of business at Ave. San Jeronimo 813 Pte., Colonia San Jeronimo, Monterrey, Nuevo Leon, Mexico 64640. The members of AC Bebidas, S. de R.L. de C.V. are as follows:

a. Arca Continental, S.A.B. de C.V. (a Mexican business corporation with its principal place of business in Monterrey, Nuevo León, Mexico);

b. Coca-Cola Refreshments USA, Inc. (a Delaware corporation with its principal place of business Atlanta, Georgia); and

c. Desarrolladora Arca Continental, S. de R.L. de C.V. (“Desarrolladora”), a Mexican business company with its principal place of business in Monterrey, Nuevo León, Mexico. The members of Desarrolladora are as follows:

i. Arca Continental, S.A.B. de C.V. (a Mexican business corporation with its principal place of business in Monterrey, Nuevo León, Mexico); and

ii. AC Alimentos y Botanas, S.A. de C.V. (a Mexican business corporation with its principal place of business in Monterrey, Nuevo León, Mexico).

6. **Coca-Cola Southwest Beverages LLC**, as a limited liability company, is a citizen of the State of Delaware; the State of Georgia; and a foreign state, the country of Mexico.

7. According to the lawsuit, Plaintiff is an individual residing in Bexar County, Texas.

8. No change in the States or countries of formation, organization, incorporation, or the principal place of business of Defendant **Coca-Cola Southwest Beverages LLC**, or its respective members, has occurred since the commencement of the lawsuit, and Defendant **Coca-Cola Southwest Beverages LLC** knows of no such change in the citizenship of the Plaintiff.

9. The lawsuit is a civil action arising from an automobile accident occurring on June 22, 2020, in the 3300 Block of North IH-35, San Antonio, Bexar County, Texas. The claims made and causes of action asserted include theories of negligence, The Restatement (Second) of Torts §324A, and gross negligence.

10. By this lawsuit, Plaintiff seeks monetary relief of more than \$1,000,000.

11. The lawsuit is within the Federal Court's original jurisdiction pursuant to 28 U.S.C. §1332, by reason of the diversity of citizenship of the parties and the amount of controversy.

12. This lawsuit is properly removed to the United States District Court, for the Western District of Texas, San Antonio Division, pursuant to 28 U. S. C. § 1441 and 28 U.S.C. §1446.

13. The Original Notice of Removal is timely filed in accordance with 28 U.S.C. §1332(a) and §1441(b), because it is filed within thirty (30) days of the date of Defendant's receipt of the summons and initial pleading and determined the case was removable.

14. Defendant requests a trial by jury.

WHEREFORE, PREMISES CONSIDERED, Defendant **Coca-Cola Southwest Beverages LLC** prays that this action be removed from the 225th Judicial District Court of Bexar County, Texas, Cause No. 2021CI20187, to the United States District Court, Western District of Texas, San Antonio Division; that this Court assume jurisdiction of this action; and henceforth, that this action be placed on the docket of this Court for further proceedings, the same as though this action had originally been instituted in this Court.

Respectfully Submitted,

**THORNTON BIECHLIN
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BY /s/ Mary M. Strauss
Mary M. Strauss
State Bar No. 24008099
ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

A true and correct copy of the foregoing instrument has been properly delivered pursuant to the Federal Rules of Civil Procedure on November 18, 2021 to the following counsel of record:

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